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C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 002483

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SUBJECT: Annan Visits to Maintain Pressure on Reform Agenda

CLASSIFIED BY: Rachel Meyers, Deputy Political Counselor, State, POL;
REASON: 1.4(B), (D)

FOR A/S CARSON AND NSC SENIOR DIRECTOR GAVIN FROM THE AMBASSADOR

¶1. Summary: Kofi Annan's December 2-8 visit usefully maintained pressure, publicly and privately, for implementation of the reform agenda. He is remaining engaged, and plans to return to Kenya next March. He sees the United States as his key partner in pressing on the reforms, and I am continuing to coordinate closely with him. End summary.

¶2. In his capacity as head of the African Eminent Persons Group established by the African Union to shepherd the reform process, Kofi Annan returned to Kenya December 2-8 to push for implementation of the reform agenda. (Part of his visit was spent chairing a meeting of the Alliance for a Green Revolution in Africa.) Graca Machel, another of the eminent personalities, accompanied Annan. Demonstrating the importance he attaches to coordination with the U.S., Annan met privately with me at the outset of his visit. I briefed him on U.S. efforts to press for implementation of the reform agenda. Annan urged that we maintain pressure on the coalition government. "We need to concentrate pressure on the Kenyan leaders," he stated. Annan believes that rapid International Criminal Court action against perpetrators of post-election violence is crucial as an element of pressure. He is in close touch with ICC Prosecutor Ocampo and is hopeful there will be indictments on at least 2-3 persons before mid-2010.

¶3. During his visit Annan met with the President, Prime Minister, the Speaker of Parliament, the parliamentary reform caucus (at our suggestion), and with civil society, the media, religious groups, and private sector. In his debrief for the diplomatic corps, Annan said that his message was essentially the same with all: some significant progress has been made, but much more needs to be accomplished, and time is running out. Annan welcomed publication of the draft constitution, but said he understands the constitutional revision process will fail unless the President and Prime Minister come together to resolve contentious issues, most critically the structure of executive power. He noted the government's commitment to police reform, but said that not much has yet happened. Annan and Machel both called attention to the need to encourage civil society, religious groups, the media, and the private sector to work more cohesively to press for implementation of reforms. Annan and Machel said that the diplomatic community should use "carrots and sticks" to push the reform process. "Tough love" is needed, they stressed. Annan also made clear the importance he attaches to rapid action by the ICC, which he described as "key to the broader effort to push for accountability and reform." He warned that those opposed to reform and ICC action are working to form coalitions to frustrate action. "We must thwart this," he said.

14. During a closing press conference, Annan made clear his concerns. He welcomed the progress which has been made (particularly citing the draft constitution), but said that much more must be achieved. He emphasized that the reform agenda must be fully implemented "before the end of 2010" and that failure to do so would "cast a long shadow for the country." "The reforms are moving too slowly," Annan said. Machel stated: "We are giving a time line of 2010. It is not a matter of whether it will be achieved or not, it is a matter of a must. It cannot be business as usual." Annan and Machel expressed grave concern about increasing ethnic tensions and lack of cohesion within the coalition government. "The leaders should be committed to reform this country," Annan said. Machel and Annan appealed directly to the Kenyan people, encouraging Kenyans to show increased awareness and to demand action from their leaders. "Political leaders must take the lead but the citizens must also show some concern and be sensitive to their (the politicians') divisive ways. They must show that they cannot tolerate certain things," Machel said. Annan also urged the government to cooperate with the ICC.

15. Annan also expressed, publicly and privately, concern about continued extra-judicial killings. "We are gravely concerned by reports of targeted killings and continuing impunity," Annan stated.

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16. Annan told me that he will return in March 2010. He will use his foundation to host a meeting in Nairobi with civil society and other stakeholders in the reform process (similar to the meeting he held in Geneva in March 2009). He wants to use the meeting to help mobilize Kenyans to push for implementation of the reform agenda.

17. Comment: As Annan told me, Kibaki and Odinga are certainly not happy when they hear that he is coming back to Kenya, because they do not want to be confronted by the reality of lack of movement on key reform issues, and the international pressure for action for which Annan stands. Annan's continuing visits serve not only to press the principals privately, but to encourage Kenyan citizens, civil society, religious groups, the private sector, the media, and Parliament to press for implementation of the reform agenda. Annan has repeatedly told me that he sees the United States as the only outside actor with the influence and muscle to push on the reform agenda, and I am continuing to coordinate closely with him.
RANNEBERGER